

Amendments to House Bill No. 113

3rd Reading Copy

Requested by Senator Roy Brown

For the Senate Business, Labor, and Economic Affairs Committee

Prepared by Pat Murdo
March 19, 2007 (1:25pm)

1. Page 6.

Following: line 27

Insert: "COORDINATION SECTION. Section 2. Coordination instruction. If House Bill No. 633 and [this act] both pass and are approved and if House Bill No. 633 includes a section that amends 23-5-119, then the section amending 23-5-119 in House Bill No. 633 is void and 23-5-119 must be amended as follows:

"23-5-119. Appropriate alcoholic beverage license for certain gambling activities. (1) Except as provided in subsection (3), to be eligible to offer gambling under Title 23, chapter 5, part 3, 5, or 6, an applicant must be a resident of this state and shall own in the applicant's name:

(a) a retail all-beverages license issued under 16-4-201, but a license transferred after July 1, 2007, to a quota area pursuant to a department-conducted lottery under 16-4-204(1)(a) is not eligible to offer gambling;

(b) except as provided in subsection (1)(c), a license issued prior to October 1, 1997, under 16-4-105, authorizing the sale of beer and wine for consumption on the licensed premises;

(c) a beer and wine license issued in an area outside of an incorporated city or town as provided in 16-4-105(1)(e). The owner of the license whose premises are situated outside of an incorporated city or town may offer gambling, regardless of when the license was issued, if the owner and premises qualify under Title 23, chapter 5, part 3, 5, or 6;

(d) a retail beer and wine license issued under 16-4-109;

(e) a retail all-beverages license issued under 16-4-202;

or

(f) a retail all-beverages license issued under 16-4-208.

(2) For purposes of subsection (1)(b), a license issued under 16-4-105 prior to October 1, 1997, may be transferred to a new owner or to a new location or transferred to a new owner and location by the department of revenue pursuant to the applicable provisions of Title 16. The owner of the license that has been transferred may offer gambling if the owner and the premises qualify under Title 23, chapter 5, part 3, 5, or 6.

(3) Lessees of retail all-beverages licenses issued under 16-4-208 or beer and wine licenses issued under 16-4-109 who have applied for and been granted a gambling operator's license under 23-5-177 are eligible to offer and may be granted permits for

gambling authorized under Title 23, chapter 5, part 3, 5, or 6.

(4) A license transferee or a qualified purchaser operating pending final approval under 16-4-404(6) who has been granted a gambling operator's license under 23-5-177 may be granted permits for gambling under Title 23, chapter 5, part 3, 5, or 6."

{ Internal References to 23-5-119:

23-5-306 x 23-5-502 x 23-5-502 x 23-5-603x
23-5-611x 50-40-115x} "